



Atty. Dkt. No. 061602-0250

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: HANSEN et al.
Title: A METHOD OF AND A NETWORK
FOR HANDLING WIRELESS
SESSION PROTOCOL (WSP)
SESSIONS
Appl. No.: 09/674,329
Filing Date: 12/22/2000
Examiner: Cho, Hong Sol
Art Unit: 2662

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LAURA MARKHAM
(Printed Name)
Laura Markham
(Signature)
2-13-06
(Date of Deposit)

TRANSMITTAL OF BRIEF ON APPEAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith is a Brief on Appeal in the above-identified application. Applicant hereby petitions for an extension of time of two months under 37 C.F.R. §1.136(a). A check in the amount of \$950.00 for the appeal fee (\$500.00) and the two-month extension of time fee (450.00) is included.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450

Respectfully submitted,

Date Feb 13, 2006

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Atty. Dkt. No. 061602-0250 (NC13042US)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: HANSEN et al.

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NETWORK FOR HANDLING
WIRELESS SESSION
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BRIEF ON APPEAL

Mail Stop Appeal Brief - Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Under the provisions of 37 C.F.R. § 41.37, this Appeal Brief is being filed together with a check in the amount of \$950.00 covering the 37 C.F.R. 41.20(b)(2) appeal fee and the fee for an extension of time under 37 C.F.R. §1.136(a) for the total number of two months. If this fee is deemed to be insufficient, authorization is hereby given to charge any deficiency (or credit any balance) to the undersigned deposit account 06-1450.

REAL PARTY IN INTEREST

The real party in interest in this Appeal is Nokia Mobile Phones Limited ("Appellant") of Espoo, Finland. This interest is evidenced by an assignment from the inventors to the Nokia Mobile Phone Limited, which is recorded at Reel 011417, Frame 0942

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in the assignment records of the United States Patent and Trademark Office and was officially recorded on December 22, 2000.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences that will directly affect, be directly affected by, or have a bearing on the present appeal, that are known to Appellant or Appellant's patent representative.

STATUS OF CLAIMS

Claims 17-37 were pending in the application when a final Office Action dated June 28, 2005 was issued. In the June 28, 2005 final Office Action, each of claims 17-37 were rejected.

STATUS OF AMENDMENTS

No claims have been amended in the present application subsequent to the receipt of the final Office Action dated June 28, 2005. However, on August 29, 2005, amended Figures 1 and 2 were submitted in an Amendment Pursuant to 37 C.F.R. §1.116. The Examiner has not provided any indication as to whether the amended Figures were accepted.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to a method of handling Wireless Session Protocol (WSP) sessions between a wireless communication terminal and a corresponding server (pg. 1, ll. 6-7; pg. 5, l. 9-pg. 6, l. 3; pg. 6, l. 19-pg. 7, l. 2; pg. 7, ll. 4-24; pg. 11, l. 7-pg. 12, l. 23; pg. 13, l. 27-pg. 15, l. 6; FIGS. 2-3; Abstract). The communication terminal

initiates a session by forwarding a request for earlier requested data to the server (pg. 5, ll. 14-16; pg. 5, l. 24-pg. 6, l. 1; pg. 6, ll. 21-22; pg. 6, l. 27-pg. 7, l. 2; pg. 12, ll. 17-23). The session comprises an identification of the earlier requested data and a communication terminal identification number provided by the server (pg. 5, ll. 16-18; pg. 11, ll. 10-12; Abstract). The server, when receiving a request containing the earlier requested data and the communication terminal identification number, recalls user profile information from an associated database memory corresponding to the communication terminal identification number (pg. 5, ll. 18-21; pg. 5, l. 26-pg. 6, l. 3; pg. 11, ll. 13-16; Abstract). The user profile information indicates a data format which will be handled by the communication terminal for the earlier requested data (pg. 5, ll. 21-22; pg. 11, ll. 16-18). The server replies to the request for earlier requested data by forwarding the earlier requested data in the format defined by the user profile information (pg. 5, ll. 22-24; pg. 11, ll. 19-20).

The present invention also relates to a method of handling Wireless Session Protocol (WSP) sessions between a wireless communication terminal and a corresponding server (pg. 1, ll. 6-7; pg. 5, l. 9-pg. 6, l. 3; pg. 6, l. 19-pg. 7, l. 2; pg. 7, ll. 4-24; pg. 11, l. 7-pg. 12, l. 23; pg. 13, l. 27-pg. 15, l. 6; FIGS. 2-3; Abstract). The wireless communication terminal initiates a session by forwarding a request for earlier requested data to the server (pg. 5, ll. 15-16; pg. 5, l. 24-pg. 6, l. 1; pg. 6, ll. 21-22; pg. 6, l. 27-pg. 7, l. 2; pg. 12, ll. 17-23). The request comprises an identification of the earlier requested data and a header indicating the data format which will be handled by the communication terminal (pg. 6, ll. 22-24; pg. 12, ll. 17-21). Upon reception of the request for earlier requested data, the server generates a communication terminal identification number and stores the header associated with the communication terminal identification number (pg. 6, ll. 24-27; pg. 12, ll. 8-10;

Abstract). The server replies to the request for earlier requested data by forwarding the earlier requested data and the communication terminal identification number to the requesting communication terminal (pg. 5, l. 26-pg. 6, l. 3; pg. 6, l. 27-pg. 7, l. 2; pg. 12, ll. 20-23). The wireless communication terminal stores the communication terminal identification number in a memory (pg. 6, ll. 29-30; pg. 12, ll. 14-15).

The present invention further relates to a wireless communication network for handling Wireless Session Protocol (WSP) sessions between a wireless communication terminal and a corresponding server connected via said network (pg. 7, ll. 4-7; pg. 13, ll. 27-30; FIG. 3; Abstract). The communication terminal includes means for initiating a session by forwarding the request for earlier requested data to the server (pg. 5, l. 24-pg. 6, l. 1; pg. 6, ll. 21-22; pg. 6, l. 27-pg. 7, l. 2; pg. 7, ll. 7-8; pg. 12, ll. 17-23; pg. 13, l. 30-pg. 14, l. 2). The request for earlier requested data comprises an identification of the earlier requested data and a communication terminal identification number provided by the server (pg. 7, ll. 8-10; pg. 14, ll. 2-4; Abstract). A database memory is connected to the server in order to store user profile information based on the communication terminal identification number received in the request for earlier requested data (pg. 7, ll. 10-12; pg. 14, ll. 9-11; pg. 15, ll. 3-6). The user profile information indicates the data format which may be handled by the wireless communication terminal (pg. 7, ll. 12-14; pg. 14, ll. 11-13). Processing means are used for recalling the stored user profile information corresponding to the communication terminal identification number and for replying to the request for earlier requested data by forwarding the earlier requested data in the format defined by the user profile information via transmission means to the communication terminal (pg. 7, ll. 14-18; pg. 14, ll. 9-13; Abstract).

The present invention still further relates to a server unit for use in a wireless communication network for supporting Wireless Session Protocol (WSP) sessions (pg. 8, ll. 7-9; FIG. 2; Abstract). The server comprises input means and output means (pg. 8, l. 9; pg. 10, l. 9; pg. 10, ll. 17-19; FIG. 2). Processing means control the input and output means and a database memory (pg. 8, ll. 9-10; pg. 10, ll. 4-5; FIG. 2). The database memory contains user profile information for a plurality of wireless communication terminals (pg. 8, l. 10; pg. 10, ll. 13-15; FIG. 2). The user profile information indicates the data format which may be handled by the communication terminal (pg. 8, ll. 12-13). The input means are adapted to receive a request for earlier requested data from a wireless communication terminal (pg. 5, l. 24-pg. 6, l. 1; pg. 6, ll. 21-22; pg. 6, l. 27-pg. 7, l. 2; pg. 8, ll. 13-15; pg. 12, ll. 17-23). The request initiates a session and comprises an identification of the earlier requested data and a communication terminal identification number (pg. 8, ll. 15-16; Abstract). The processing means recalls the stored user profile information by means of the communication terminal identification number received in the request for earlier requested data (pg. 8, ll. 16-18). The processing means replies to the request for earlier requested data by forwarding the earlier requested data in the format defined by the user profile information via the output means (pg. 8, ll. 19-20; Abstract).

The present invention also relates to a wireless communication terminal for use in a wireless communication network for supporting Wireless Session Protocol (WSP) sessions with a server for providing the wireless communication terminal with a communication terminal identification number (pg. 1, ll. 6-7; pg. 5, l. 9-pg. 6, l. 3; pg. 6, l. 19-pg. 7, l. 2; pg. 7, ll. 4-24; pg. 11, l. 7-pg. 12, l. 23; pg. 13, l. 27-pg. 15, l. 6; FIGS. 2-3; Abstract). The communication terminal identification number is associated with a database

that stores user profile information based on the communication terminal identification number (pg. 5, ll. 18-21; pg. 5, l. 26-pg. 6, l. 3; pg. 11, ll. 13-16). The user profile information indicates a data format to be handled by the wireless communication terminal. (pg. 5, ll. 21-22; pg. 11, ll. 16-18). The wireless communication terminal comprises an antenna and means for forwarding to the server a request of earlier requested data (FIG. 2; pg. 9, ll. 22-25; pg. 10, l. 9;). The request does not have an indication of a data format which will be handled by the wireless communication terminal (pg. 5, ll. 9-11; pg. 5, l. 26-pg. 6, l. 2; pg. 12, ll. 17-23; pg. 14, l. 29-pg. 15, l. 3). The request comprises an identification of the earlier requested data and the communication terminal identification number (pg. 5, ll. 16-18; pg. 11, ll. 10-12; Abstract). The wireless communication terminal is configured to receive from the server a reply to the request for earlier requested data in a format defined by the user profile information corresponding to the communication terminal identification number (pg. 5, ll. 22-24; pg. 11, ll. 19-20; Abstract).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The only grounds of rejection to be reviewed on appeal concern the Examiner's rejection of claims 17-37 under 35 U.S.C. §112, first paragraph for, in the Examiner's view, failing to describe the limitation "forwarding or receiving a request for earlier requested data to the server" in the original specification.

ARGUMENT

In a Final Action dated June 28, 2005, the Examiner rejected claims 17-37 under 35 U.S.C. §112, first paragraph for, in the Examiner's view, failing to comply with the written description requirement. The Examiner asserted that claims 17, 23, 25, 29 and 35

each contained subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In particular, the Examiner asserted that each of these claims recited “forwarding or receiving a request for earlier requested data to a server” and that, in the Examiner’s view, the specification failed to describe this limitation. Claims 18-22, 24, 26-28, 30-34, 36 and 37 were rejected due to their dependency upon claims 17, 23, 25, 29 and 35, respectively.

37 C.F.R. §1.75(d)(1) states that “[t]he claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.” Although support for new claim language may comprise a verbatim statement in the specification, this is not a requirement. *Fujikawa v. Wattanasin*, 93 F.3d 1559, 1570 (Fed. Cir. 1996). For example, different language that expresses the same meaning found in the originally-filed specification may be sufficient to satisfy the written description of § 112. *Id.* The originally-filed specification can also inherently support an added limitation. *Schering corp. v. Amgen Inc.*, 222 F.3d 1347, 1352 (Fed. Cir. 2000). As has been noted by the Federal Circuit, in order to satisfy the written description requirement of Section 112, “the disclosure need only reasonably convey to persons skilled in the art that the inventor had possession of the subject matter in question.” *Fujikawa*. These principles are also clearly delineated in the Manual Patent Examining Procedure, where it is noted that there is no *in haec verba* requirement for claim amendments and that newly added claim limitations may be supported in the specification through express, implicit, or inherent disclosure. MPEP §2163(I)(B).

Appellant respectfully submits that the present application is replete with explicit, implicit and inherent references to the forwarding or receiving of a request for earlier requested data to a server. Beginning at page 5, the present application clearly and deliberately sets forth both the claimed feature at issue and the motivation for implementing such a feature. For example, page 5, line 24-page 6, line 2 clearly discusses the advantage of storing user profile information, namely so that it can be subsequently used in a new session:

Hereby the server unit is able to store the user profile information for a period and to recall this information when appropriate. The requesting communication unit does not have to transmit information about its user profile once these are stored in the database memory of the server. This information would otherwise have to be transferred in every session, and this would lead to an unacceptable overhead with up to 50 percent of data transferred in the request being redundant user profile information. (emphasis added)

This section clearly identifies a situation where a future session involves a request for the same data which was previously stored in the server, with the result that the stored information may be recalled. In other words, this section unequivocally anticipates that a future session will involve a request for data that was previously or earlier requested by the communication terminal. Although the words “earlier requested” do not appear verbatim in this section, it is plainly apparent that the section is discussing the retrieval of earlier requested data. Furthermore, this section clearly identifies the motivation for implementing this feature, namely reducing the amount of data that needs to be transferred during a session. This benefit is further discussed throughout the present application. *See, e.g.,* pg. 7, ll. 21-24.

Pages 6, line 27-page 7, line 2 further discusses the recall of earlier requested information:

Said server replies to the request by forwarding the requested data and the communication terminal identification number to

the requesting communication terminal; said communication terminal stores the communication terminal identification number in a memory. The server stores the user profile information included in the header and this information may be used later when a new session is initiated. (Emphasis Added).

Once again, this section clearly identifies the storing of data for subsequent use in a new session when initiated. As discussed previously in the same paragraph, this information is based upon an initial data request, and it is stored precisely in anticipation of the event that this data is requested again, making the initial request and earlier request.

As if these sections were not clear enough as to the disclosure of the forwarding or receiving of a request for earlier requested data, page 12, lines 17-23 is even more clear:

Further, when the communication terminal 100 once again initiates a session, and forwards a request 120 of the same data as in the first step, the request 120 includes an identification of the requested data and the communication terminal identification number received from the server. When the server 220 receives the request 120, it recalls the header from the database memory which corresponds to said communication terminal identification number, and replies 150 to the communication terminal 100. (Emphasis added)

This section is unequivocal in identifying multiple requests for the same data, with one request occurring before the other. As the same data is being requested twice, it is, at a minimum, inherent that the first of these requests constitutes “earlier requested” data when viewed in terms of a later request. There is simply no other potential reasonable interpretation of this text, particularly in light of other references to the recalling of data inside the specification.

In an Advisory Action dated September 9, 2005, the Examiner asserted that the claim limitation at issue in this appeal “directs to not the first communication session but

the second or further communication session initiated by the communication terminal.”

However, this comment completely supports Appellant’s position in this Appeal. As discussed at length above, the application consistently discusses multiple communication sessions, with one session occurring at a later time than an earlier session. This comment by the Examiner was in direct reference to a prior discussion regarding page 12, lines 17-23 which, as discussed above, describes in detail how a request for earlier requested data is treated.

Based upon the Examiner’s comments, Appellant can only assume that the Examiner has objected to the fact that, at page 12, lines 17-23 and elsewhere, Appellant failed to completely redescribe a data communication session in a single section, even though such sessions are described in great detail throughout the application. In other words, the Examiner is apparently applying a requirement that each claim be copied verbatim from a corresponding section of the specification. This is completely contrary to 37 C.F.R. §1.75(d)(1), the Manual of Patent Examining Procedure and well-established Federal Circuit case law. Furthermore, any insinuation by the Examiner that the claims at issue in this Appeal must refer to only an initial communication session is also wholly improper. None of the claims at issue specifically refer to a communication session as being a *first* communication session, and it is impermissible for the Examiner to import this requirement into the claims when it does not appear therein.

Therefore, the Examiner’s rejection of independent claims 17, 23, 25, 29 and 35 cannot stand. Furthermore, because claims 18-22, 24, 26-28, 30-34, 36 and 37 were rejected due their dependency upon the independent claims, the rejection of these claims also

cannot stand. For all of the above reasons, Appellant submits that the Examiner's rejection of claims 17-37 is wholly improper and must be reversed.

CLAIMS APPENDIX

Claims 1-16. Cancelled.

17. (Previously Presented) A method of handling Wireless Session Protocol (WSP) sessions between a wireless communication terminal and a corresponding server, wherein:

the communication terminal initiates a session by forwarding a request for earlier requested data to the server, comprising an identification of the earlier requested data and a communication terminal identification number provided by the server;

the server, when receiving a request containing the earlier requested data and the communication terminal identification number, recalls user profile information from an associated database memory corresponding to said communication terminal identification number, and said user profile information indicates a data format which will be handled by the communication terminal for the earlier requested data; and

the server replies to the request for earlier requested data by forwarding the earlier requested data in the format defined by the user profile information.

18. (Previously Presented) A method according to claim 17, wherein the wireless communication terminal initiates a session comprising a header in a request indicating the data format which will be handled by the communication terminal; said server, when receiving the request containing a header, derives the user profile information from the header and stores the user profile information in said database memory and generates an associated communication terminal identification number; and

said server forwards the communication terminal identification number to the communication terminal.

19. (Previously Presented) A method according to claim 17, wherein the server defines a period of time in which the user profile information is stored in the database memory.

20. (Previously Presented) A method according to claim 18, wherein the server defines a period of time in which the user profile information is stored in the database memory.

21. (Previously Presented) A method according to claim 19, wherein the server deletes the user profile information from the database memory upon expiration of said period of time.

22. (Previously Presented) A method according to claim 20, wherein the server deletes the user profile information from the database memory upon expiration of said period of time.

23. (Previously Presented) A method of handling Wireless Session Protocol (WSP) sessions between a wireless communication terminal and a corresponding server, wherein:

the wireless communication terminal initiates a session by forwarding a request for earlier requested data to the server, said request comprises an identification of the earlier requested data and a header indicating the data format which will be handled by the communication terminal;

the server upon reception of the request for earlier requested data generates a communication terminal identification number and stores said header associated with said communication terminal identification number;

said server replies to the request for earlier requested data by forwarding the earlier requested data and the communication terminal identification number to the requesting communication terminal; and

said wireless communication terminal stores the communication terminal identification number in a memory.

24. (Previously Presented) A method according to claim 23, wherein the wireless communication terminal, when subsequently initiating a session, forwards a request to the server, said request includes an identification of the requested data and the communication terminal identification number received from the server; and the server upon receipt of the request recalls the header from the database memory which corresponds to said communication terminal identification number.

25. (Previously Presented) A wireless communication network for handling Wireless Session Protocol (WSP) sessions between a wireless communication terminal and a corresponding server connected via said network, comprising:

means in the communication terminal for initiating a session by forwarding the request for earlier requested data to the server, said request for earlier requested data comprises an identification of the earlier requested data and a communication terminal identification number provided by the server;

a database memory connected to the server in order to store user profile information based on the communication terminal identification number received in the

request for earlier requested data, said user profile information indicates the data format which may be handled by the wireless communication terminal; and

processing means for recalling the stored user profile information corresponding to the communication terminal identification number and for replying to the request for earlier requested data by forwarding the earlier requested data in the format defined by the user profile information via transmission means to the communication terminal.

26. (Previously Presented) A network according to claim 25, wherein:

the wireless communication terminal comprises means for including a header in the request for earlier requested data indicating the data format which will be handled by the wireless communication terminal; and

the processing means in the server is arranged to derive the user profile information from the header, to store the user profile information in said database memory, to generate an associated communication terminal identification number; and to forward the communication terminal identification number via said transmission means to the communication terminal.

27. (Previously Presented) A network according to claim 26, wherein the

server comprises a timer and said processing means sets a period of time in which the user profile information is stored in the database memory.

28. (Previously Presented) A network according to claim 27, wherein the

processing means, upon expiration of said period of time, deletes the user profile information from the database memory.

29. (Previously Presented) A server unit for use in a wireless communication network for supporting Wireless Session Protocol (WSP) sessions, comprising:

input means;

output means;

processing means controlling the input and output means and a database memory;

said database memory contains user profile information for a plurality of wireless communication terminals, said user profile information indicates the data format which may be handled by the communication terminal;

said input means are adapted to receive a request for earlier requested data from a wireless communication terminal, said request initiates a session and comprises an identification of the earlier requested data and a communication terminal identification number;

said processing means recalls the stored user profile information by means of the communication terminal identification number received in the request for earlier requested data; and

said processing means replies to the request for earlier requested data by forwarding the earlier requested data in the format defined by the user profile information via said output means.

30. (Previously Presented) A server according to claim 29, wherein said wireless communication terminal includes a header in the request of earlier requested data

indicating the data format which may be handled by the wireless communication terminal, wherein:

the processing means derives the user profile information from the header, stores the user profile information in said database memory, and generates an associated communication terminal identification number; and

said processing means forwards the communication terminal identification number via said output means to the communication terminal.

31. (Previously Presented) A server according to claims 29, comprising a timer, and wherein said processing means sets a period of time in which the user profile information is stored in the database memory.

32. (Previously Presented) A server according to claims 30, comprising a timer, and wherein said processing means sets a period of time in which the user profile information is stored in the database memory.

33. (Previously Presented) A server according to claim 31, wherein the processing means, upon expiration of said period of time, deletes the user profile information from the database memory.

34. (Previously Presented) A server according to claim 32, wherein the processing means, upon expiration of said period of time, deletes the user profile information from the database memory.

35. (Previously Presented) A wireless communication terminal for use in a wireless communication network for supporting Wireless Session Protocol (WSP) sessions with a server for providing the wireless communication terminal with a communication terminal identification number, associated with a database that stores user profile information

based on the communication terminal identification number, said user profile information indicating a data format to be handled by the wireless communication terminal, the wireless communication terminal comprising:

an antenna; and

means for forwarding to the server a request of earlier requested data, said request not having an indication of a data format which will be handled by the wireless communication terminal, said request comprising an identification of the earlier requested data and the communication terminal identification number; and wherein

the wireless communication terminal is configured to receive from the server a reply to the request for earlier requested data in a format defined by the user profile information corresponding to the communication terminal identification number.

36. (Previously Presented) A terminal according to claim 35 wherein:

the wireless communication terminal initiates the earlier request for data by forwarding a request for data to the server comprising an identification of the requested data and a communication terminal identification number provided by the server.

37. (Previously Presented) A terminal in accordance with claim 36 wherein:

the wireless communication terminal initiates the session comprising a header in the earlier request indicating the data format which will be handled by the wireless communication terminal.

EVIDENCE APPENDIX

None Presented.


RELATED PROCEEDINGS APPENDIX

None Presented.

Respectfully submitted,

Date July 13, 2006

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